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TUTWILER v. TUTWILER.

March 16, 1916.

[88 S. E. 86.]

1. **Divorce (§ 133(1)*)—Sufficiency of Evidence—Discretion and Abandonment.**—Evidence on a wife's bill of divorce held to sustain a decree for plaintiff on the ground of defendant's desertion and abandonment.

[Ed. Note.—For other cases, see Divorce, Cent. Dig. § 446; Dec. Dig. § 133(1).* 4 Va.-W. Va. Enc. Dig. 745.]

2. **Divorce (§ 37(15)*)—Separation—Reconciliation.**—Though plaintiff was not forced to leave her husband's house with an officer, as she claimed, because of her husband's cruelty and violence, it was his duty then and afterwards, to seek a reconciliation and to invite her to return.

[Ed. Note.—For other cases, see Divorce, Cent. Dig. § 122; Dec. Dig. § 37(15).* 4 Va.-W. Va. Enc. Dig. 738.]

3. **Divorce (§ 37(15)*)—"Desertion."**—Where defendant's wife, after having left his house, asked permission to return, and such permission was not granted, defendant thereupon, in contemplation of law, deserted her.

[Ed. Note.—For other cases, see Divorce, Cent. Dig. § 122; Dec. Dig. § 37(15).]

For other definitions, see Words and Phrases, First and Second Series, Desertion. 4 Va.-W. Va. Enc. Dig. 738.]

4. **Divorce (§ 37(15)*)—Decree—Subsequent Overtures.**—Overtures made by defendant after a decree of divorce had been rendered against him were too late to have any effect upon its correctness.

[Ed. Note.—For other cases, see Divorce, Cent. Dig. § 122; Dec. Dig. § 37(15).* 4 Va.-W. Va. Enc. Dig. 743.]

5. **Divorce (§ 165(7)*)—Relief—Statute.**—Where a cause for divorce was still pending, and there had been no decree a vinculo, the lower court, under Code 1904, § 2266, providing for merger or revocation of decree, might afford the parties any relief to which they might thereafter show themselves entitled.

[Ed. Note.—For other cases, see Divorce Cent. Dig. § 548; Dec. Dig. § 165(7).* 4 Va.-W. Va. Enc. Dig. 747.]

Appeal from Law and Chancery Court of City of Norfolk.

Bill for divorce by Buena Tutwiler against W. C. Tutwiler. Decree for plaintiff, and defendant appeals. Affirmed.

N. T. Green, of Norfolk, for appellant

Eason & P'Anson, of Norfolk, for appellee.

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.